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IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 2409 /2001

Petitioner : Ashok Kumar S/o Fakira, aged about 32 years, R/o Jagmal Chowk Bilaspur, Dist : Bilaspur – (C.G.)

Versus

Respondents :

1. State of Chhattisgarh through the Secretary, Excise Department, DKS Bhawan, Raipur (C.G.)
2. The Excise Commissioner, Chhattisgarh, Raipur – (C.G.)
3. The Collector, Durg, District Durg (C.G.)
4. District Excise Officer, Durg, Dist : Durg – (C.G.)

P. R. No. 2411/07
From ... Shri Deepak Jain
dated ... 9.11.07

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(85)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2409 **सन्** 200(

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	28.1.2005 Shri P. Diwaker, Senior Advocate with Shri Kunal Das, Advocate for the petitioner. Shri Sanjay Shyam Agrawal, Govt. Advocate for the State/ respondents. Heard both the counsel. By the instant writ petition, the petitioner has questioned the legality and correctness of the order dated 28.9.2001 passed by the District Excise Officer, Durg, whereby the petitioner's license FL-1D was cancelled. The term of the said license has already been expired on 31st March, 2002, and the same fact has been taken into consideration by the Commissioner, Excise, in his order dated 12.4.2002. Taking lenient view in favour of the petitioner in the last para, the Commissioner, Excise has observed that since the term of the license has already expired, there is no need to adjudicate upon the correctness of the order cancelling the license of the petitioner, however, the petitioner has been sufficiently punished. Therefore, looking to this fact, this order of cancellation of license will not come in his way and will not be treated as disqualification for getting license in future. Learned counsel for the petitioner submits that since the term has already expired, the matter may be disposed of, but the respondents have not returned the security amount and other amount, even the	

Gr. PRJ—FS/350—12/2000—50,000.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2409/ सन् 2001

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

liquor, which was seized, has also not been returned. He further submits that a detailed representation has been made by the petitioner to the Commissioner, Excise on 23.8.2004, that is still pending and not being decided. Therefore, he prays that a direction be given to the Commissioner, Excise to decide the representation of the petitioner.

The request of learned counsel for the petitioner appears to be fair and reasonable. Therefore, the Commissioner, Excise, is directed to decide the representation made by the petitioner within a period of thirty days from the date of receipt of a copy of this order, in accordance with law. However, if the petitioner is not satisfied with the order of the Commissioner, Excise, he will be entitled to avail the remedy available to him under the law.

The petition stands disposed of.

Consequently, I.A.No.9467/2004 also stands disposed of.

Sd/-
L.C.BHADOO
Judge

Soma

Gr. PRJ—FS/350—12/2000—50,000.